FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.3192 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.D.R.More APP for the State.

Mr.Vilas B.Tapkir for the Respondent

Coram : R.S.Mohite,J

Date : 20.02.2006.

PC

1. This is an appeal filed by the State against an order passed by the 13th Adhoc Asstt. Sessions Judge, Pune on 6.9.2004 acquitting the accused Vijay Kurmadas Tapkir for offences punishable under Sections 363, 365 & 306 of IPC. On perusal of the impugned judgment and order it is seen that the same has been passed for cogent and acceptable reasons. It was the prosecution case that the Complainant Ankush was living at village Charholi with his wife. The marriage between Ankush and the deceased Seema had taken place

on 5.5.1998. A child was born from this marriage on 9.7.1999. That in due course, the accused developed some intimacy with deceased Seema. He wrote some letters to her and ultimately Seema left the house in order to be with the accused on or about 7.3.2003 after the complainant had gone for his work. The dead body of Seema was found on 11.3.2003 and she had committed suicide by consuming organo phosperous poison. The finding of the trial Court is that the deceased was an adult women aged 23 years. There was no material on record to show that the accused had abetted the commission of such suicide. Even the handwriting of the accused in the letters purported to be written by him was not proved by leading the evidence of a hand-writing expert. In the circumstances, view taken is a possible view and hence leave is refused and consequently, appeal to stand dismissed.

(R.S.Mohite,J)

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1. This is an application for condonation of delay of 170 days in filing the appeal. For the reasons which are stated in the application and which are accepted, the delay is condoned. Application stands disposed of.

(R.S.Mohite,J)